



National Transportation Safety Board

Washington, D.C. 20594

Office of Railroad, Pipeline and Hazardous Materials Investigations

March 26, 2014

VIA Electronic Mail

Mr. Gary Pearson
Assistant Director, Emergency Management
State of New Jersey
Department of Environmental Protection
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

RE: NTSB DCA13MR002 Factual Report Technical Review

Dear Mr. Pearson,

Thank you for your valuable assistance in providing technical review comments of February 11 and 14, 2014 to NTSB group chairman factual reports relating to the Conrail freight train derailment with vinyl chloride release in Paulsboro, New Jersey. The Hazardous Materials group chairman has responded to me with his assessments of the issues you identified. I have indicated below how these issues will be addressed in the draft accident report:

Hazardous Materials Group Factual Report

- Comment on Page 29, which states that a DEP representative arrived at 9:10 a.m. – please revise to read: “at 8:40 a.m., a representative of the New Jersey Department of Environmental Protection (NJDEP) Emergency Management arrived on-scene.”

NTSB response:

Since the report notes police officer noted NJDEP’s arrival at 9:10 a.m., the statement will be clarified to indicate “arrived at the ICP” instead of “arrived on-scene.”

The draft accident report contains an appendix with a chronology of selected emergency response events. An entry will be added to the timeline for 8:40 a.m. indicating the arrival of NJDEP’s first responder, who began coordinating with local fire department personnel.

- Comment on Page 43, which states: “However, the EOP has not been recertified since July 31, 2010.” Paulsboro now has an approved EOP. The Paulsboro EOP was reviewed and recommended for re-certification by the Gloucester County OEM. The EOP was then reviewed and re-certified by NJSP-OEM, Southern Region on August 23, 2013. The recertified EOP will expire on August 31, 2017. The EOP is on file with the County OEM.

NTSB response:

The EOP had not been recertified at the time of the accident and as of the date of the Hazardous Materials Group Factual Report. The draft accident report will include a footnote to indicate that the NJSP-OEM reviewed and recertified the plan on August 23, 2013.

Hazardous Materials Group Factual Report Addendum

- Comment on page 6, lines 6 and 7 regarding the statement “The requested information has not been provided to the NTSB.” Replace that statement with:

The requested information was provided to the NTSB on a chart entitled “HAZWHOPPER Standard-Comparison of States with Public Employees.” See Group 7, Exhibit R.

NTSB response:

PEOSH was asked to provide information regarding how their inspection findings and HAZWOPER compliance rates in the local fire protection industry within the State of New Jersey compared to federal OSHA inspection and national HAZWOPER compliance rates. The data provided in Group 7 Exhibit R only includes a limited number of states that have public employee occupational safety and health programs. Therefore, the draft accident report does not include a comparison of New Jersey PEOSH compliance or inspection rates with other state and federal programs.

- Comment on page 8, line 9: “2008 baseline). The” should read: “2008 baseline), the”

NTSB response:

Change was made in the addendum report as suggested.

- Comment on pages 10-12, regarding the New Jersey State Police (“NJSP”) Office of Emergency Management (“OEM”) review process for Emergency Action Plans: New Jersey requests that the following statement be included in the Addendum:

NJSP-OEM created a 90-day EOP warning letter that is mailed to local/county entities 90 days in advance of their EOP expiring. NJSP-OEM also created a warning letter that is mailed when an EOP has expired. The letter is mailed to the local OEM Coordinator, Mayor, and County OEM. Additionally, all EOP (local/county) re-certification dates and status are managed by NJSP-OEM via a spreadsheet that was developed by NJSP-OEM. On a daily basis, the spreadsheet auto-calculates when both the EOP expiration and 90-day dates have been exceeded. The database automatically flags these EOP's and NJSP-OEM generates the appropriate letter and mails it. Also, when NJSP-OEM receives an EOP re-certification request from a County OEM, the NJSP-OEM Region Representative reviews the plan.

NTSB response:

Text was inserted into the addendum report as suggested.

Sincerely,
Paul L. Stancil
Investigator-in-charge